

**MINUTES
TOWN COUNCIL MEETING
TUESDAY, MAY 12, 2009
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING**

1. ROLL CALL: A regular meeting of the Town Council was called to order at 7:15 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Jonathan Hecht, Susan G. Falkoff, Angeline B. Kounelis, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger.

2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: Councilor Sideris moved the minutes of April 28th, seconded by Councilor Kounelis and adopted by voice vote.

4. PUBLIC FORUM: The chair recognized the following residents:

1. Tony Aiello, Mt. Auburn Street – thanked the subcommittee of Economic Development and Planning for acting on the request to find a larger office for the Veterans' Agent.
2. Steve Felton, Commander Am Vet Post 14 – thanked Councilor Hecht for acting on the Veterans' Agent's office and asked that the Council approve the subcommittee's recommendation.
3. Jack Gately, VFW Commander – stated that Mr. Erickson is fighting for veterans' benefits and needed more space to accommodate visiting veterans.
4. Dom Ricci, Shutt Detachment – thanked the Council for this consideration and noted that Bob has been instrumental in helping veterans get their benefits.
5. Joe Caouette – thanked the Council.
6. Russ Arico, Fayette Street – stated his support for the larger office space for the Veterans Agent. He spoke for the need to restrict parking to one side of the street, before installing granite curbing.

The Chair stated that he felt compelled to speak out on the need for the Veterans Agent to receive a larger office partly due to the current events around the world with respect to returning veterans.

5. PUBLIC HEARING:

- a) Public hearing and vote on a proposed Ordinance to Temporarily Modify the Hours of Operation of the Administration Building: The Chair recognized the Manager who provided an overview of the modified hours. The Chair opened the hearing up to the public. There being no comments, the hearing was closed.

Councilor Devaney spoke in favor of the temporary hours and asked that the Manager consider these hours year round. Councilor Devaney moved the Ordinance as proposed, seconded by Councilor Sideris and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to take up agenda item 8A
MOTIONS, ORDERS AND RESOLUTIONS:

a). Acceptance of Proclamations: The Chair read and presented a proclamation honoring Fire Chief Mario Orangio, joining the Sons of Italy in their recent recognition of the Chief. The Chair recognized Councilor Devaney who read and presented a Governor's Council citation to Chief Orangio. The Chair recognized Chief Orangio who stated that the recognition has been an honor.

The Chair read a proclamation recognizing the Church of Good Shepherd's 125th Anniversary.

Councilor Devaney read and presented a Town Council proclamation and Governor's Council proclamation to Dominick Rickey, Commander of the Shutt Detachment upon their 50th Anniversary. On behalf of the Shutt Detachment, Mr. Rickey thanked Councilor Devaney and the Council for the recognition. He noted that Memorial Day is a special day for the Shutt Detachment for whom the members will be celebrating.

Councilor Sideris moved to accept all three proclamation, seconded by Councilor Devaney and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to take up agenda item **6B, COMMITTEE REPORTS**, seconded by Councilor Lawn and adopted by voice vote.

6B. Committee on Economic Development and Planning report on office space for the Veterans' Agent: Councilor Hecht indicated that Mr. Magoon presented a plan to the Committee to accommodate the request for a larger office for Mr. Erickson by switching offices with the Purchasing Clerk. It was noted by Councilor Hecht that Councilor Devaney initially presented this plan. Councilor Devaney thanked Ms. Grandinetti for her cooperation with the office switch. The Committee unanimously offered support for the Manager's plan. Councilor Sideris moved to support the Manager's decision to move the Veterans' Agent to a larger office seconded by Councilor Devaney and adopted by unanimous roll call vote. Mr. Erickson thanked all those who worked together as a team to find an adequate solution. He noted that post traumatic stress syndrome is recently

affecting our returning veterans due to their multiple tours. The larger office will allow for better service for our returning veterans.

Councilor Hecht reviewed “owner occupied property” definition and noted that several methods are used for I, 2 and 3 family units and have a valid purpose. The methods will be tracked over time to see the trends at work. For larger units, Mr. Magoon will research the State threshold. Councilor Hecht provided a brief update on economic development initiatives through grants. The Committee supported the proposed Scope of Work as presented. (See attached report and related documents). Councilor Sideris moved to accept the report, seconded by Councilor Piccirilli and adopted by voice vote.

a). Committee on Rules and Ordinances report on clarification of the role of the Council President vis-à-vis his attendance at the departmental meetings: The Chair recognized Attorney Reich who stated that, upon the request of the Chair, he drafted a proposed Ordinance and an opinion relating to this issue which was referred for discussion to subcommittee. The Chair noted that the five hours of work provided by Attorney Reich, was free of charge.

The Chair recognized Councilor Kounelis who thanked Councilor Devaney for drafting the minutes (attached). She noted that the process used for the Charter Commission in 1980 was reviewed. The Manager discussed revised Charters changes made in 2001. Councilor Kounelis read an email and proposed Ordinance drafted by Attorney Reich (attached). Councilor Kounelis stated that this was voted by the Committee 1-2, with Councilor Kounelis voting for and committee members Mark Sideris and Marilyn Devaney voting against. Councilor Sideris moved to accept the report, seconded by Councilor Devaney and adopted by voice vote. Councilor Sideris moved to accept the recommendation of the subcommittee, which defeated the proposed Ordinance. Councilor Kounelis referred to the 1980 Charter, regarding the initial intent. She noted that adopting the proposed Ordinance is an appropriate interim courtesy to be extended to the Council President.

Upon the request of the Chair, Attorney Reich explained that the Council President made it clear in discussions with him that he felt it was a matter of courtesy to attend the meeting and not to become involved in the budget process unduly.

Councilor Devaney stated that an Ordinance is a law and you cannot legislate courtesy. She noted that while she is in favor of the Council President requesting a meeting with the Manager, an ordinance is not required. Furthermore, she noted that the Charter does not state that the Council President will sit in departmental budget meetings.

Councilor Piccirilli stated that he attended both meetings and feels strongly that we are bound by the Charter. With respect to comments about a special relationship noted in the 1980 Charter, that was explicitly rejected.

Councilor Hecht commended the Committee for holding the two meetings. It is helpful to look back on the origins and the road traveled since then, he noted. In 1980, it was a new government, and not surprising some uncertainty at that time on how the new government would interact. Over the course of the thirty years, the town has learned a lot and learned that in order for the government to work well we should follow two principles: First, adhere to the clear separation of powers between the administrative branch and legislative branch; second, the changes since then have reinforced that principle. The Council President has special authority within the legislative branch. Outside the legislative branch, the Council President acts as part of the entire Council. He noted that he hopes that the Council can set aside this issue until the next Charter revision.

Councilor Devaney stated that we listen to the voters if favorable and then vote no when we don't want it. We don't respect the voters when we don't accept what they vote, she noted.

Upon a roll call vote on the Subcommittee's 1-2 vote against the Ordinance: (A Yes vote is to reject the Ordinance) 7 for and 2 against.

c). Committee on Public Works report on an update by the Recycling Committee, policies on grass planting strips and an update from the Ad Hoc Committee on streets and sidewalks – Susan G. Falkoff, Chair. Councilor Piccirilli read the Committee report (attached).

The Chair asked Mr. Mee to explain grandfathering of planting strips related to bushes and boulders. Mr. Mee stated that the borders are still part of the walking area, flowers are okay, boulders are an issue as they can pose an impediment. Mr. Mee stated that he is happy to look at soil solutions with strips where grass won't grow.

Councilor Kounelis stated with respect to boulders, are they illegal and how to protect planting strips that have no curbing. Mr. Mee stated that a boulder has some liability and suggests that residents don't use them.

Councilor Devaney asked for a sign for strip of grass on Watertown Street to deter people from parking their cars on it. Mr. Mee stated that Sgt. Diegnan has talked with the business owner regarding this problem.

The Public Works report was adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to take up a late agenda item, seconded by Councilor Lawn and adopted by voice vote.

Councilor Sideris provided an update on the Charitable Ad Hoc Committee. He noted that the Committee was anticipating a larger number of grant applications, but received the same number as last year, with no large requests. The grants will be divided amongst the worthy applicants. Councilor Sideris moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote.

7. INFORMATIONAL PRESENTATION:

a). Informational Presentation on an Edward Byrne Memorial Justice Grant of \$27,540 funded under the American Recovery and Reinvestment Act of 2009 (The “Recovery Act”) – Edward P. Deveau, Police Chief: The Chair recognized Chief Deveau who provided a brief overview of the stimulus monies to maintain an officer for a 6 month period.

Councilor Sideris asked what happens if the position cannot be maintained. The Manager stated that the recommended budget will provide additional funds for this position.

8. MOTIONS, ORDERS AND RESOLUTIONS:

b). Resolution authorizing a transfer of \$9,111 from the Fiscal Year 2009 Town Council Reserve Account to the Fiscal Year 2009 Town Auditor Full Time Salary Account in order to adjust the Fiscal Year 2009 Budget to reflect the previously adopted Ordinance amending the Fiscal Years 2008 and 2009 Compensation of the Town Auditor. The Chair recognized the Manager who provided an overview of the transfer. Councilor Sideris moved the resolution, seconded by Councilor Lawn and adopted by a roll call vote of 8 for 1 against, with Councilor Kounelis voting no.

c). Resolution approving the Acceptance of Gift of Personal Property from Inner Strength Yoga for fitness equipment for use in the gym at the Fire Headquarters. The Chair recognized the Manager who provided a brief overview of the resolution. Councilor Devaney moved the Acceptance of Gift, seconded by Councilor Sideris and adopted by voice vote.

9. PRESIDENTS REPORT:

a). Consideration and referral of Chapter 358 of the Acts of 2008, an Act Further Regulating Certain Retirement Benefits (attached): The Chair requested that the matter be referred to Whole and Finance for further discussion and recommendation. Councilor Devaney moved the matter, seconded by Councilor Sideris. Councilor Devaney provided a brief explanation of the benefits. The Manager requested that the matter be discussed during the Retirement appropriation budget hearing. Adopted by voice vote.

10. COMMUNICATIONS FROM TOWN MANAGER:

1. Mass Highway to hold public hearing on safety projects, May 14th.
2. Next Tuesday, May 19th begins budget hearings.
3. Friday, Yard Waste pickup.
4. Memorial Day Parade on Monday.
5. New Watertown Website launched in May.
6. Request for Motions of Referrals to subcommittee:

a. **Expansion of Ridgelawn Cemetery and Maplewood Traffic Calming** – referral to Public Works Committee; Councilor Falkoff moved the referral, seconded by Councilor Devaney and adopted by voice vote.

b. **Coolidge Square Study** recommendation to joint committee of Public Works and Economic Development and Planning – Councilor Falkoff moved the matter, seconded by Councilor Sideris and adopted by voice vote.

c. **Right of Way Acquisition Opportunity** for referral to Economic Development and Planning: moved by Councilor Falkoff, seconded by Councilor Sideris and adopted by voice vote.

The Chair announced the completed Codification of Ordinances bounded and on the town's website. Commendations were given to Councilor Hecht and the Town Clerk.

11. REQUESTS FOR INFORMATION:

Councilor Kounelis requested an update on the Wells Avenue Municipal parking lot.

The Chair asked for an update on the Storm Water Advisory Committee.

12. ANNOUNCEMENTS: None noted.

13. PUBLIC FORUM:

Pat Gold, Duff Street – stated that the new website is wonderful.

Russ Arico, Fayette Street – stated that the taxpayer credit card is being exploited to pay for parking.

There being no further business to come before the Town Council, Councilor Sideris moved to adjourn the meeting at 10:00 pm, seconded by Councilor Falkoff and adopted by voice vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted on June 9, 2009 as written, by voice vote.